


DCF	COMMONWEALTH OF MASSACHUSETTS ~ DEPARTMENT OF CHILDREN AND FAMILIES	
	Policy Name: Intake Policy for Conflicts of Interest	
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Intake Policy for Conflicts of Interest

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I. POLICY

The Department of Children and Families (the Department) responds to reports of child abuse and/or neglect and ensures child safety, permanency, and well-being. Department employees live and work in the communities the agency serves. Through natural community connections, Department employees may have personal links to families that become involved with the Department. The Department must ensure due process rights, confidentiality, public trust, and confidence in the Department's mission as carried out by its employees.

A report of abuse and/or neglect may involve an individual with a professional relationship with the Department, or an individual with a personal relationship (or "affiliation") with a Department employee. This relationship may lead to an actual or perceived bias in Department decision-making, which the Department considers a conflict of interest. The Department ensures the integrity and impartiality of the screening, response, and case management processes if a conflict of interest is identified.

This policy outlines the Department's process for assigning screening, response, and ongoing case management activities to mitigate conflicts of interest. This policy does not outline procedures for conducting activities after assignment. For more information about procedures after assignment, please see the Department policy relevant to the topic (e.g.; [Protective Intake Policy](#), [Ongoing Casework and Documentation Policy](#), [Supervision Policy](#), [Case Transfer Policy](#)).

II. PROCEDURES

A. DEFINITIONS

For the purposes of this policy, "child" refers to a person under the age of 18 years old.

Conflict of Interest – A personal or professional relationship which would lead a reasonable person to think that an employee of the Department would show favor toward someone, could be improperly influenced, and/or could prevent the employee from acting fairly and objectively while performing their professional duties.

Contract Agency – A person, corporation, partnership, organization, trust, association, or other entity that provides services to the Department or Department clients under a contract issued by the Department.

Department Employee – An individual holding a full or part-time position with the Department of Children and Families. The definition of employee for this policy may differ from the definition used in a Collective Bargaining Agreement or other employment law, regulation, or policy.

Household Member – Any individual, regardless of age, who lives in the home, who moves into the home with the intent to make it their residence, or who is temporarily visiting for more than 30 calendar days.

Immediate Relative – A Department Employee's mother, father, sibling, child, spouse, step-parent, step-sibling, step-child, or other parent of the child of a Department Employee.

B. ROLES AND RESPONSIBILITIES

Intake/Response Worker is responsible for:

- Notifying the Supervisor when a potential conflict of interest is identified during screening and/or response; and
- Following procedures in the [Protective Intake Policy](#) for all assigned reports once a conflict of interest determination and assignment decision is made.

Intake/Response Supervisor is responsible for:

- Supporting Intake/Response workers in understanding next steps when a potential conflict of interest is identified;
- Notifying the Area Program Manager (APM) and Area Director (AD) when a potential conflict of interest is identified; and
- supporting Intake/Response workers in following procedures in the [Protective Intake Policy](#) for all assigned reports once a conflict of interest determination and assignment decision is made. (See also: [Supervision Policy](#).)

Ongoing Social Worker is responsible for:

- Notifying the Supervisor when a potential conflict of interest is identified during ongoing case management; and
- Following procedures in the [Ongoing Casework and Documentation Policy](#) for all assigned cases once a conflict of interest determination and assignment decision is made.

Ongoing Supervisor is responsible for:

- Supporting ongoing Social Workers in understanding next steps when a conflict of interest is identified;
- Notifying the APM and AD when a potential conflict of interest is identified; and
- Supporting ongoing Social Workers in following procedures in the [Ongoing Casework and Documentation Policy](#) for all assigned cases once a conflict of interest determination and assignment decision is made. (See also: [Supervision Policy](#).)

Area Program Manager (APM) is responsible for:

- Supporting staff in understanding next steps when a conflict of interest is identified; and
- Notifying the AD when a potential conflict of interest is identified.

Area Director (AD)/designee is responsible for:

- Supporting APMs and Area Office staff when a conflict of interest is identified;
- Notifying the Regional Director (RD)/designee when a conflict of interest is identified;
- Making decisions about conflicts of interest in consultation with RD/designee; and
- Assisting with facilitating transfers (e.g., response transfers, case transfers) to the Special Investigation Unit (SIU) or another Department Area Office, as needed.

Emergency Response Worker (ERW) is responsible for:

- Notifying the On Call Supervisor (OCS) when a potential conflict of interest is identified after hours; and
- Completing emergency response activities after hours following procedures in the [Protective Intake Policy](#).

On Call Supervisor (OCS) is responsible for:

- Supporting ERWs in understanding next steps when a potential conflict of interest is identified after hours;
- Notifying the AD/On Call Manager when a potential conflict of interest is identified after hours and determining the plan for response; and
- Supporting ERWs in following procedures in the [Protective Intake Policy](#) for all assigned reports once a conflict of interest determination and assignment decision is made. (See also: [Supervision Policy](#).)

On Call Manager is responsible for:

- Consulting with the OCS to determine the best option for assigning an Emergency Response Worker (ERW) team and determining the plan for response; and
- Notifying the AD when a potential conflict of interest is identified.

Regional Director (RD)/designee is responsible for:

- Providing consultation to Regional and Area staff as needed when a conflict of interest is identified to determine the presence of a conflict of interest and/or the assignment decision;
- Collaborating across the agency on assignments when a conflict of interest is identified; and
- Assisting with facilitating transfers to the Special Investigation Unit (SIU) or another Department Area Office, as needed.

Special Investigations Unit (SIU) Intake/Response Worker is responsible for:

- Conducting screening and response activities following procedures in the [Protective Intake Policy](#) for all assigned reports.

Special Investigations Unit (SIU) Director is responsible for:

- Receiving transfers during screening and/or response when a conflict of interest is identified and the individual's relationship falls within the categories assigned to SIU;
- Supporting SIU Intake/Response Workers in conducting activities following procedures in the [Protective Intake Policy](#) for all assigned reports; and
- Collaborating with RDs, as needed, when a conflict of interest is identified to determine the presence of a conflict of interest and/or the assignment decision.

C. LANGUAGE ACCESS

Working with individuals who are Deaf or Hard of Hearing and individuals with Limited English Proficiency:

The Department's Language Access Plan (LAP) outlines how the agency is ensuring meaningful access to its programs, services, activities, and materials for all clients who self-identify as Limited English Proficient (LEP). The Department secures interpreter services for individuals who identify as LEP in a timely manner. To secure services for individuals who are Deaf and/or Hard of Hearing, the Social Worker contacts the Department's identified contact with the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) who can make requests directly from MCDHH as described in the Appendix to the [Disability Policy](#). The Social Worker, or other Department staff, will not require or suggest that an individual who identifies as LEP bring their own interpreter or communication specialist to meetings. The Social Worker, or other Department staff, will not rely on an adult individual accompanying a consumer who identifies as LEP to interpret for the consumer unless it is an emergency involving an imminent threat to the safety or welfare of an individual or the public and there is no other interpreter available; OR the individual specifically asks that the accompanying adult interpret or facilitate communication for them, the accompanying adult agrees to do so, and reliance on the adult is appropriate under the circumstances.

For all individuals who identify as LEP, documents must be translated and provided in the individual's preferred language. The Social Worker arranges for the documents to be translated by using the Department's translation service contract in the Area Office.

For more information regarding the Department's Language Access Plan, please visit: <https://www.mass.gov/dcf-language-access>

D. PROCEDURES: DETERMINING RESPONSIBILITY WHEN A CONFLICT OF INTEREST IS IDENTIFIED DURING INTAKE

Conflict of Interest

1. A Conflict of Interest occurs when a personal or professional relationship exists which would lead a reasonable person to think that an employee of the Department would show favor toward someone, could be improperly influenced, and/or could prevent the employee from acting fairly and objectively while performing their professional duties.

When a Conflict of Interest is Identified

2. When a report and/or case is believed to involve a conflict of interest, the Intake Worker and/or Intake Supervisor notify the Area Program Manager (APM) and Area Director (AD) as soon as possible. When a potential conflict of interest involves a Department Employee, the AD is notified immediately.
3. If there is a question about the presence of a potential conflict, the AD collaborates with the Regional Director (RD)/designee to confirm if a conflict of interest or perceived conflict of interest exists. If so, the AD determines responsibility as outlined below.

Determining Responsibility for Screening and Response

4. When the Department identifies a conflict of interest, it determines responsibility for screening and response activities based on the relationships of the individuals involved with the Department.
5. When a conflict of interest involves any of the individuals listed below, responsibility for screening and response is handled by the Special Investigations Unit (SIU):
 - Department Employee (including Area Office, Regional Office, and Central Office staff);
 - other parent of the child of a Department Employee;
 - child of a Department Employee;
 - household member of a Department Employee;
 - Department Area Board member;
 - other citizen advisory group member; or
 - other individual with a **personal or professional relationship** with Department staff that **cannot be addressed by an Area Office** (e.g., police officer, school personnel, medical personnel, Department interns, Department volunteer, lead agency staff, contract provider staff, community-based provider staff, etc.).
6. When a conflict is identified and it does not fall within SIU's responsibility, the AD, in consultation with RD/designee, will consider options for Area Office assignment to address the conflict.

The Area Office should consider these options for assignment in the following order:

- 1) another worker/unit within the same Area Office,
- 2) another Area Office within the Region, or
- 3) an Area Office outside of the Region.

Factors to consider when determining assignment include whether the individual:

- works in the catchment area of the Area or Regional Office;

- has regular professional contact and/or a personal relationship with Area/Regional/Central Office staff; and
- the role of the staff at the Department and/or contract agency.

Examples of relationships that may be managed by an Area Office include:

- immediate relative non-household member of a Department employee;
- kinship foster parent applicant or household member (see below: Department Foster Parents. Note that licensed foster parents are not covered by this policy, for more information on screening and response for licensed foster homes, please see [51A Investigations in Certain Institutional Settings Policy](#).);
- member of SIU; or
- another individual with a personal or professional relationship with Department staff not otherwise covered (e.g., police officer, school personnel, medical personnel, Department interns, Department volunteer, lead agency staff, contract provider staff, community-based provider staff, etc.)

Determining Responsibility for Emergency Response

7. **Emergency Response Assignment:** When a conflict is identified on a report that requires an emergency response, an Area Office conducts the emergency response activities, regardless of the individual's relationship to the Department. The AD and RD/designee will consider alternative options for assignment outlined above in "Determining Responsibility for Screening and Response," #6. Reports requiring emergency response are not reviewed by the Screening Team.
8. **Emergency Response Assignment After Hours:** When a conflict is identified on a report that requires an emergency response after hours, the On Call Supervisor (OCS) consults with the RD/On Call Manager to determine the best option for assigning an Emergency Response Worker (ERW) team. Considering the nature of the conflict and the factors included in #6 above, the OCS and RD/On Call Manager determine the options for assignment:
 - 1) ERW team within the same Area Office,
 - 2) ERW team from another Area Office within the Region, or
 - 3) ERW team from another Region.

Confidentiality

9. All Department staff have an ethical and legal responsibility to uphold confidentiality. The AD of the Area Office receiving assignment, or Director of SIU if applicable, can restrict access to the record if needed or requested.

Department Foster Parents

10. While all foster parent licensure activities are conducted at the Regional level, kinship foster parent applicants are assigned to an Area Office Kinship Social Worker (KSW) during application. This could be a potential conflict of interest for the Area Office.
11. If the conflict of interest involves a kinship foster parent applicant, the AD follows the procedures outlined in "Determining Responsibility for Screening and Response," #6.
12. The assigned worker will communicate collaboratively with:

- the clinical team of any child(ren) placed in the home to ensure they are aware of the report; and
- the Foster Care team (KSW and Licensing and Training Social Worker (LTSW) and/or their supervisor). (See [Licensing of Foster, Pre-Adoptive, and Kinship Families Policy](#).)

13. Once licensed, Foster Homes are considered institutions whether they are providing kinship or unrelated care. For more information on screening and response for licensed foster homes, please see [51A Investigations in Certain Institutional Settings Policy](#).

The Role of the Department Employee

14. For purposes of screening and response, the Department Employee will be treated as a private individual (e.g., household member, caregiver, and/or alleged perpetrator, as applicable) following law, regulation, and Department policy.
15. Department Employees with a conflict of interest in their personal capacity must fully and truthfully cooperate with the Department during any required screening and response.
16. Department Employees are afforded the same rights as any other individual involved in a screening or response conducted by the Department.

E. PROCEDURES: SCREENING

Conflicts of Interest Identified While Screening a Report of Abuse and/or Neglect

1. When a potential conflict of interest is identified during screening, the Intake Worker and/or Intake Supervisor notify the APM and AD as soon as possible. When a potential conflict of interest involves a Department Employee, the AD is notified immediately.
2. When determining assignment during screening, follow the procedures outlined in "Determining Responsibility for Screening and Response" in Procedures Section D, #6.
3. While conflicts and potential conflicts are being reviewed by the AD and RD/designee, the Area Office Intake Unit covering the geographic area of the home will obtain the initial information from the reporter. Activities needed to ensure the immediate safety of the child(ren) will be completed as outlined in the [Protective Intake Policy](#). Once a conflict of interest determination and assignment decision are made, the Area Office will transfer the report as needed.

Screening Activities and Documentation

4. After an assignment has been made which addresses the conflict of interest, assigned staff complete screening activities following the [Protective Intake Policy](#).
5. The Department will document all activities related to screening as outlined in the [Protective Intake Policy](#).

Screening Team Meetings and other Clinical Reviews

6. When screening a report with an identified conflict of interest, additional care is needed to ensure confidentiality during Screening Team Meetings (STMs) and other Clinical Reviews (e.g., three-in-three, three-

in-twelve). The Department prioritizes the safety and well-being of children and maintains confidentiality.

7. **Screening Team Meeting (STM)** – Reports with an identified conflict of interest are reviewed outside of the Area Office STM. Any notifications or communications about the STM should only include invited attendees. If an STM involves a report assigned to SIU, participants will involve SIU and Area Office staff, as needed (e.g., APM overseeing a kinship foster care unit, APM overseeing an open conflict case, RPM overseeing kinship licensing). The purpose of the STM is to ensure the immediate safety of the child(ren). Reports requiring emergency response are not reviewed by the Screening Team.
8. **Three-in-Three** – When three or more 51A reports involving separate incidents have been filed on any child in a family within a three-month period, regardless of whether the reports were screened in or out, MGL c. 119, § 51B(r) requires a Regional Clinical Review. If a Regional Clinical Review involves a report assigned to SIU, participants will involve SIU and Central Office staff. Additional Department staff will participate at SIU's invitation (e.g. area or regional office staff, clinical specialists, etc.).
9. **Three-in-Twelve** – When three or more 51A reports involving separate incidents have been filed on any child in a family within a 12-month period, regardless of whether the reports were screened in or out, MGL c. 119, § 51B(r) requires an Area Clinical Review. If an Area Clinical Review involves a report assigned to SIU, participants will involve SIU and Central Office staff. Additional Department staff will participate at SIU's invitation (e.g. area or regional office staff, clinical specialists, etc.).

Notification

10. For all screening decisions, notification is sent as outlined in the [Protective Intake Policy](#). For screening decisions involving allegations on Department Employees, the other parent of a Department Employee's child, and kinship foster parent applicants and their household members, additional notifications are sent as outlined in Appendix A.

F. PROCEDURES: RESPONSE

Conflicts of Interest Identified While Responding to a Report of Abuse and/or Neglect

1. When a potential conflict of interest is identified during response, the Response Worker and/or Response Supervisor notify the APM and AD as soon as possible. When a potential conflict of interest involves a Department Employee, the AD is notified immediately.
2. When determining assignment during response, follow the procedures in "Determining Responsibility for Screening and Response" in Procedures Section D, #6.

Response Activities and Documentation

3. After an assignment has been made which addresses the conflict of interest, assigned staff complete emergency and non-emergency response activities as outlined in the [Protective Intake Policy](#).
4. The Department will document all activities related to response as outlined in the [Protective Intake Policy](#).

Notification

5. For all response decisions, notification is sent following the [Protective Intake Policy](#). For response decisions involving allegations on Department Employees, the other parent of a Department Employee's child, and kinship foster parent applicants and their household members, additional notifications are sent as outlined in Appendix A.

G. PROCEDURES: OPEN CASES**Reports Involving Conflicts of Interest that Open for Case Assignment**

1. At the conclusion of a response, the decision regarding whether a case will be opened for assignment is determined as outlined in the [Protective Intake Policy](#).
2. If opened, assignment of the case will be determined as follows:
 - If the response was completed by an Area Office, the AD in collaboration with RD/designee determines the appropriate Area Office or contract agency assignment.
 - If the response was completed by SIU, the Director of SIU/designee, in collaboration with the RD/designee for the region where the family resides, will determine appropriate Area Office or contract agency assignment. (Note: SIU does not provide ongoing case management.)
 - The RD/designee may consult the Deputy Commissioner for Protective Operations regarding the plan for case assignment, as needed.

Conflicts of Interest in an Open Case

3. If a new conflict of interest is identified during ongoing case management, the Social Worker and/or Supervisor notify the APM and AD as soon as possible. When a potential conflict of interest involves a Department Employee, the AD is notified immediately.
4. The AD collaborates with the RD/designee to determine if the conflict impacts ongoing case management as currently assigned. The AD and RD/designee may consider alternative options for case assignment following "Determining Responsibility for Screening and Response" in Procedures Section D, #6.
5. If a decision is made to transfer assignment of an open case, activities are completed as outlined in the [Case Transfer Policy](#). If the conflict of interest impacts the completion of activities outlined in the [Case Transfer Policy](#), the AD collaborates with the RD/designee to determine the steps needed to transfer the case.

Appendix A: Notification Tables

(Note: A copy of the 51A/B is shared with the Deputy Commissioner for Protective Operations, the Assistant Commissioner for Protective Operations, and the Director of Labor Relations, as appropriate.)

Table 1: Notifications for Decisions on a Department Employee or the other parent of a Department Employee’s Child

Notifications are required to be completed following the [Protective Intake Policy](#). Per the Intake Policy for Conflicts of Interest, the SIU Director/designee is also responsible for sending and documenting the following notifications related to decisions made in screening and response on a Department Employee or the other parent of a Department Employee’s Child:

<u>Decision</u>	<u>Outcome</u>	<u>Additional Notifications</u>
Screening Decision	Screen Out	<ul style="list-style-type: none"> • Deputy Commissioner for Protective Operations; • Assistant Commissioner for Protective Operations; and • Director of Labor Relations.
	Screen In	<ul style="list-style-type: none"> • Deputy Commissioner for Protective Operations; • Assistant Commissioner for Protective Operations; • Director of Labor Relations; AND <p>Based on the Employee’s location of employment:</p> <ul style="list-style-type: none"> • Area Director (if Area employee); • Regional Director (if Regional employee); • relevant Deputy or Assistant/Associate Commissioner (if Central Office employee); OR • General Counsel (if Legal employee).
Response Decision	Unsupport	<ul style="list-style-type: none"> • Deputy Commissioner for Protective Operations; • Assistant Commissioner for Protective Operations; • Director of Labor Relations; AND
	Support/ Substantiated Concern	<p>Based on the Employee’s location of employment:</p> <ul style="list-style-type: none"> • Area Director (if Area employee); • Regional Director (if Regional employee); • relevant Deputy or Assistant/Associate Commissioner (if Central Office employee); OR • General Counsel (if Legal employee).

Table 2: Notifications for Decisions on a Kinship Foster Parent Applicant or Household Member

Notifications are required to be completed following the [Protective Intake Policy](#). Per the Intake Policy for Conflicts of Interest, the Department is also responsible for sending and documenting the following notifications related to decisions made in screening and response on a kinship foster parent applicant or household member:

Decision	Outcome	Additional Notifications
Screening Decision	Screen Out	<ul style="list-style-type: none"> • Foster Care team; • Clinical team for any child(ren) placed in the home; and • If applicable, the provider agency and the providers agency's licensing body (e.g., EEC).
	Screen In	
Response Decision	Unsupport	
	Support/ Substantiated Concern	